



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1182

public schools; showers; reasonable accommodations

Purpose

Requires a public school to provide access to a single-occupancy or employee shower room to a person who is unwilling or unable to use a multioccupancy shower room designated for the person's sex and submits satisfactory evidence to the school. Grants a private cause of action, against the public school, to a person who encounters a person of the opposite sex in a public school shower room. Designates this legislation as the *Arizona Accommodations for All Children Act (Act)*.

Background

A school district governing board, charter school governing body, the Arizona State Schools for the Deaf and the Blind and, for an accommodation school, the county school superintendent must ensure, if a school provides a shower room, that the shower room is clean and meets certain sanitation requirements ([A.A.C. R9-8-703](#)).

A *public school* is any public institution established to offer instruction to pupils in preschool programs for children with disabilities, kindergarten programs, elementary grades or secondary grades ([A.R.S. § 15-101](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Reasonable Accommodation

1. Requires a public school to provide a reasonable accommodation to a person, if the person:
 - a) for any reason, is unwilling or unable to use a multioccupancy shower room designated for the person's sex that is located in a public school building or provided in connection with a public school-sponsored activity;
 - b) requests an accommodation from the school in writing; and
 - c) submits satisfactory evidence of the person's sex to the school.
2. Includes, in *reasonable accommodation*:
 - a) access to a single-occupancy shower room; or
 - b) use of an employee shower room.
3. Excludes, from *reasonable accommodation*, access to a shower room that is designated for use by persons of the opposite sex while persons of the opposite sex are, or could be, present.
4. Defines *sex* as a person's immutable biological sex as determined by anatomy, physiology, genetics and hormones existing at the time of the person's birth.

5. Defines *satisfactory evidence* as:
 - a) a person's original birth certificate; or
 - b) a person's amended, corrected or otherwise modified birth certificate with a written statement by a physician attesting that the biological sex registered in the birth certificate is consistent with the person's chromosomal count.
6. Specifies that the Act does not prohibit public schools from adopting policies necessary to accommodate:
 - a) persons protected under the federal Americans with Disabilities Act of 1990; or
 - b) young children who are in need of physical assistance when using public school shower rooms.

Legal Remedies

7. Grants a private cause of action, against the public school, to a person whose reasonable accommodation request is denied by the public school, unless the public school can demonstrate that the accommodation would cause an undue hardship.
8. Grants a private cause of action, against the public school, if the public school gave a person of the opposite sex permission to use the shower room, to a person who encounters a person of the opposite sex in a multioccupancy shower room designated for the person's sex and located in a public school building or provided in connection with a public school-sponsored event, unless the persons are of the same family.
9. Requires claims arising pursuant to the Act to be brought in superior court in the county where the person resides or the public school is located at the time of filing.
10. Requires civil actions brought pursuant to the Act to be initiated within two years after the alleged violation occurred.
11. Allows persons who are aggrieved under the Act and prevail in court to recover monetary damages for all psychological, emotional and physical harm suffered.
12. Entitles, to recovery of reasonable attorney fees and costs, persons who prevail on a claim brought pursuant to the Act.
13. Specifies that the Act does not limit other remedies at law or equity that are available to the aggrieved person against the public school.

Miscellaneous

14. Defines *family* as a person's spouse, parent or guardian, child, sibling or grandparent.
15. Contains a severability clause.
16. Designates this legislation as the *Arizona Accommodations for All Children Act*.
17. Becomes effective on the general effective date.